

**P.O.S.T. BOARD MEETING**  
**RECORD OF PROCEEDINGS**  
*June 3, 2011*

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The Peace Officer Standards and Training Board held its 375th Board meeting at the Department of Law in Denver, Colorado with the following in attendance:

**BOARD MEMBERS**

CHIEF MARK BECKNER  
CHIEF HEATHER A. COOGAN  
SERGEANT LOUIS DIXON III  
SGT. DAVID EDMONDSON  
SHERIFF JAMES FAULL  
SHERIFF STAN HILKEY  
SHERIFF JOE PELLE  
ATTORNEY GENERAL JOHN SUTHERS  
SHERIFF KIRK TAYLOR  
SHERIFF LOUIS VALLARIO  
CHIEF DAVE WOHLERS  
SAC JAMES F. YACONE

**BOARD MEMBERS ABSENT**

COUNCILWOMAN SARAH CLARK (excused)  
EXECUTIVE DIRECTOR JAMES H. DAVIS (excused)  
CHIEF DAVID FELICE (excused)  
CHIEF JOHN PATTERSON (excused)  
OFFICER NICHOLAS A. PECK (excused)  
PUBLIC MEMBER BOB PENCE (excused)  
CHIEF GERALD WHITMAN (excused)

**BOARD COUNSEL**

DIANE MARIE DASH, Assistant Attorney General

**STAFF MEMBERS**

PAUL SCHULTZ, P.O.S.T. Director  
STEVE NEUMEYER, P.O.S.T. Deputy Director  
CRISTINE MACK, P.O.S.T. Investigator  
LISA TONEY, Administrative Assistant  
RUTH VANDERBROEK, Compliance Officer  
JENNIFER WICKHAM, Training Program Coordinator

## **MEMBERS OF THE PUBLIC IN ATTENDANCE**

RONALD ABRAMSON, Colorado Mounted Rangers  
PHIL BACA, Commerce City Police Department  
ANDREW BAKER, Teller County Sheriff's Office  
TIM BLACK, Broomfield Police Department  
MIKE CARTER, Community College of Aurora Basic Law Enforcement Training Academy  
DON CHRISTENSEN, County Sheriff's of Colorado  
MICHAEL CUMMINGS, Arapahoe County Sheriff's Office  
DEAN CURD, County Sheriff's of Colorado  
KEVIN GILPIN, Teller County Sheriff's Office  
BRIAN HILL, Federal Reserve Police Department  
ED KAFEL, El Paso County Sheriff's Office  
DONN KRAEMER, Lakewood Police Department  
CATHY LABRECQUE, Pikes Peak Community College  
JOHN MCFARLANE, Colorado Mounted Rangers  
RICK S. MCNAIR, Adams County Sheriff's Office  
JASON MIKESELL, Teller County Sheriff's Office  
DARREN O'DRISCOLL, El Paso County Sheriff's Office  
ERNIE ORTIZ, Aurora Police Department  
KARL SMALLEY, Adams County Sheriff's Office  
RICHARD STENSGAARD, Denver Police Department  
ED TRUJILLO, El Paso County Sheriff's Office  
RICHARD WEBB, Jefferson County Sheriff's Office  
ERIC WITTMAN, Aurora Police Department  
JANICE WORTHEM, Red Rocks Community College  
RICHARD WREN, Colorado Department of Corrections

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on June 3, 2011.

Arrest Control Committee  
Curriculum Committee  
Firearms Committee

### **Introductions:**

1. *Welcome* *Attorney General John Suthers*

A. New Board Member Announcement

1. Special Agent in Charge James Yacone

Attorney General Suthers welcomes SAC James Yacone to the Board

*June 3, 2011*

- B. Resignation of Chief David Felice and Councilwoman Sarah Clark
2. Introduction of Board Members, Staff, S.M.E. Members and Guests
3. Roll Call Director Paul Schultz  
*Declaration of a Quorum*
4. Approval of P.O.S.T. Board Minutes for March 11, 2011  
*Motioned by Sergeant Dixon and seconded by Chief Coogan*  
*Approved Unanimously*

**Public Announcement of Formal Rule Making Hearing:**

5. Formal Rule Making Hearing *Attorney General John Suthers*  
*Board Counsel Diane Dash*  
*Director Paul Schultz*

A. Summary of Proposed P.O.S.T. Rule 27 Changes

Diane Dash presented information regarding the proposed changes to P.O.S.T. Rule 27 which reflect changes in federal law, effective October 2010, pursuant to Chapter 44 of Title 18, United States Code , § 926C, the *Law Enforcement Officer Safety Improvement Act of 2010*.

P.O.S.T. Rule 27, “Retired Law Enforcement Officer Authority to Carry Concealed Firearms” provides notice to peace officers and law enforcement agencies within Colorado of requirements to be met under federal law.

Changes to federal law include redefining the pool of eligible officers from those who have “retired” to those who have “separated” and from those who were “regularly employed” to those who have “served”.

The new federal law requires separated officers who have served for an aggregated of 10 years or more to qualify annually on a firearms course for active law enforcement officers. A major change to Rule 27 is the elimination of the “qualification course established by the State (P.O.S.T.) for use by the Sheriff in determining qualifications for retired law enforcement officers”, as set forth in current Rule 27. The qualification course must be completed through either the former agency, at another agency in the state that provides active duty courses, or by standards established by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers.

General Attorney John Suthers requests more information, however, the revision should be approved and the ambiguity should be further clarified.

B. Public Comment

*June 3, 2011*

Ernie Ortiz – Suggested that the active duty officer course, in compliance with federal House Bill 218 should be printed on the certificate score sheet so that anyone who takes the course should have documentation. This can further the compliance.

Don Christenson – Is the decision to revoke Rule 27 right for the community? The testing of an active officer is different from the testing of a separated officer. Colorado POST should establish a standard by which instructors should follow for testing. Several agencies do not provide programs for their own personnel and without standards will confront problems for concealed handgun permit certification. Currently, certification is often provided at whatever level they choose and fees are charged. Qualifying courses with a state standard should require three documents: a state I.D., an agency card with tenure of service, and a card stating that the individual qualified within the previous 12 month period. If it's done by the agency doing the qualification then there will be no burden on POST.

Director Paul Schultz - It's become known to POST through inquiry that most all other states have de-centralized this. Most states are leaving it up to the agency itself for interpretation.

Deputy Ed Kafel – Because of the perceived change in language, El Paso County developed an active duty course for off duty carry that is doable for retirees and was purposely defined to meet that requirement. The officer is engaged, and there's a lot of movement, especially in uniform. Therefore the off duty component is more user friendly towards retirees.

C. Vote of Board Members

*Motioned by Sergeant Edmonson and seconded by Sheriff Taylor  
Approved Unanimously*

**Presentations:**

6. ***Subject Matter Expert (S.M.E.) Committee Reports***

A. ***Curriculum***

***Chief Phil Baca, Chairman  
Sgt. David Edmondson, Vice-Chairman  
Sheriff Joe Pelle, Board Member***

Eleven Subject Matter Expert Committee members were present in today's meeting along with seven guests. Chief Phil Baca reported that the committee approved additional lesson plans as well as two new POST instructors for Teller County's reserve academy.

The committee also reviewed the instructor methodology program submitted by an individual from Grand Junction Police department who was requesting equivalency reconsideration. He attended a 40-hour instructor methodology course in Alabama and provided the booklet to the committee for the approval of the course in lieu of the course

provided here in Colorado. It gained committee approval.

There was a request for the review of Rule 23 which concerns full time skills instructors. Part of the rule requires each full skills instructor attend a 40hr instructor methodology course or have a credential for career and technical education. The committee believes the second part of the rule should be stricken because it's not equivalent. All full time skills instructor should go through the methodology course and should be included in the new rule making.

**B.     *Arrest Control***

***Sgt. Richard "JJ" Webb, Co-Chairman  
Cpl. Richard Stensgaard, Co-Chairman  
Chief John Patterson, Board Member***

Sergeant Webb reported that the committee approved six instructors as well as set up personnel to do test outs and inspections for June and July. The committee is in the process of changing and reviewing the form used for inspections. Finally, it has been decided that the arrest control instructor program is in need of revision which will begin soon.

**C.     *Firearms***

***Deputy Ed Kafel, Chairman  
Tech. Robert Winckler, Vice-Chairman  
Sheriff Lou Vallario, Board Member***

Deputy Ed Kafel reported that the committee approved the firearms program for the Teller County Reserve Academy. The inspection of the Highlands Ranch Public Safety Reserve Academy was found to be in full compliance. The major revision to the handgun instructor program included dim light shooting and off duty carry so that it mirrors the basic firearms program. This program has also been subject to minor revisions for clarification purposes.

**D.     *Law Enforcement Driving***

***Lt. Karl Smalley, Chairman  
Sgt. Al Padilla, Vice-Chairman  
Chief Heather Coogan, Board Member***

Lieutenant Karl Smalley presented to the Board that the committee approved two new instructors for the Delta Montrose Technical College. A revised lesson plan from Pikes Peak Community College was also approved. The committee completed inspections with the Colorado Mountain College at Glenwood Springs campus which was found to be in compliance. Colorado Springs Police Department also had a successful inspection. At the March P.O.S.T. Board meeting it was mentioned to increase hours required for an assistant instructor to become a full time instructor which still needs collaboration from the other S.M.E. committee members. Policy and prerequisites for attendance in the instructor training program needs to be revisited for the next P.O.S.T. board meeting. Sergeant Edmonson introduced a new tool to the committee which was an impressive automated light signal system.

Finally, the committee received a letter of resignation from Sheriff John Minor of the Summit County Sheriffs Office.

**Action Items:**

*June 3, 2011*

7. ***Peace Officer Certification Revocation Actions***      ***Attorney General John Suthers***  
***Director Paul Schultz***  
***Board Counsel Diane Dash***

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions:

**§ 24-31-305, C.R.S.** A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. Board if the certificate holder ***has been convicted of a felony***, or has been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305 C.R.S., or, has otherwise failed to meet the certification requirements established by the Board. For purposes of this rule, the term ‘conviction’ includes any deferred judgments or deferred sentences imposed by a court or judge.

1. No. 11-01, Brian L. Williams Certification No. B4247 (PID 113174). On October 12, 2008, Respondent pled guilty and was convicted of 1 count of Sexual Exploitation/Child-Possess Material, § 18-6-403(3)(b.5), C.R.S., a class 6 felony *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: March 22, 2007 – Separated: September 21, 2004)*. The Respondent has failed to comply with P.O.S.T. Show Cause Order 11-01 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of Brian L. Williams’ Colorado Peace Officer Certificate No. B4247 (PID 113174).

***Motion made and seconded***  
***Approved unanimously***

2. No. 11-02, William Dale Reese, Jr. Certification No. B11950 (PID 123062). On November 15, 2010, Respondent pled guilty to and was convicted of 1 count of Public Servant – Attempt to Influence, § 18-8-306 C.R.S., a class 4 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: March 31, 2009 – Separated: April 14, 2009)*. The Respondent has failed to comply with P.O.S.T. Show Cause Order 11-02 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of William Dale Reese, Jr.’s Colorado Peace Officer Certificate No. B11950 (PID 123062).

***Motion made and seconded***  
***Approved unanimously***

B. P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions:

**§ 24-31-305, C.R.S.** A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. Board if the certificate holder has been convicted of a felony, or has been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305 C.R.S., or has otherwise failed to meet the certification requirements established by the Board. For purposes of this rule, the term ‘conviction’ includes any deferred judgments or deferred

*June 3, 2011*

sentences imposed by a court. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes are recognized in § 24-31-305(1.5) (b) thru (h), C.R.S.

1. No. M11-01, Michael Eugene Percival, Certification No. 14818 (PID 126570). On December 15, 2010, Respondent pled guilty to 1 count of Harassment – Strike/Shove/Kick, §18-9-111(1)(a), C.R.S., a class 3 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: June 18, 2009 - Separated: December 21, 2010).* The Respondent has failed to comply with Director's Show Cause Order M11-01. Director Schultz recommends revocation of Michael Eugene Percival's Colorado Peace Officer Certificate No. 14818 (PID 126570).

***Motion made and seconded  
Approved unanimously***

8. ***Subject Matter Expert (SME) Reimbursement*** ***Director Paul Schultz  
Training Manager Steve Neumeyer***

A. Update/Final Action

1. The Assignment given to POST was to come up with a policy pursuant to some S.M.E. requests for reimbursement. The drafted policy follows state law for the reimbursement of employees which has been found applicable to the S.M.E. members. The numbers reflect an amount of about \$25,000, 1% of training dollars.

***Motioned by Sheriff Taylor and seconded by Sheriff Faull  
Approved Unanimously***

2. Aside from reimbursements, S.M.E. committee members have shown interest in hiring out their services to a different agency to teach skills. Chief Heather Coogan expressed that this is an important suggestion because S.M.E. committee members are actually some of the best instructors available and they should be in the various academies for the training programs especially for recertification.

It was suggested, to eliminate conflicts of interest in regards to the financial component to require members of an S.M.E committee to submit a letter of notification for teaching for compensation to P.O.S.T.

Director Paul Schultz will prepare a form and additional suggestions regarding requirements.

9. ***P.O.S.T. Peace Officer Training Project Grant Awards*** ***Sheriff Joe Pelle  
Training Manager Steve Neumeyer***

A. Sub-committee Meeting - Evaluation of the Allocations, Recommendations and Discussion

*June 3, 2011*

1. Nearly 90% of all requests have been funded and only 10% cutback. Change in policy, which allows providers and regions to decide which areas should be cut are all within some degree of oversight. The following numbers of dollars are recommended:

CSOC \$224,754.40

Colorado District Attorney Association council: \$162,516.00

CRCPI: 12,070.00

COVA: 46,359

CBI: \$29,205

CACP: \$170,100

**Total pay: \$645,004.40**

**90percentile**

Region Totals:

Central Mountain Region: \$178,827.

Greater metro region: \$235,517

I-70 west: \$80,213.00

North central \$138,600

North east \$129,263

North West: \$106,384.64

San Louis \$48,758.00

South east: \$83,039.00

South west: \$55,305.00

West central \$181,783.00

**Region total: \$1,237,689.65**

Additions for state wide training presented by P.O.S.T. including:

Detention Academies: \$28,000.00

Rural Command Staff Institute: \$42,000.00

In-service academy (40hr academy at Camp George West): \$40,000.00

Crime scene investigation course \$20,000.00

Peer Support \$3,000.00

Pre-retirement training seminars: \$25,000.00

**Total \$2,017,694.05**

B. Grant Awards – Board Vote for Approval of the 2011/2012

1. Grants Expenditures of the new P.O.S.T. exam in addition to the S.M.E. reimbursements of \$25,000 will bring the grand total to: **\$2,082,694.05**

Many of these grants should be under budget and will be divided up by the various regions to be spent on training.

*Motioned by Sergeant Dixon seconded by Sheriff Hilkey  
Approved unanimously*

C. Training Report – 2010/2011

*June 3, 2011*



1. 2010/2011 – 191,257 hours of training have been performed for 13,027 officers thus far. Since the project inception in 2001, there are currently 961,257 hours. P.O.S.T. predicts those numbers will surpass 1 million hours of training by September 2011.

### **Informational Items:**

10. ***Rule Change Recommendations – Letter of Conditional Authority/Electronic Funds for Exam Fees***

***Director Paul Schultz***

A. “Conditional Letter Expiration” Presented by Chief Heather Coogan

1. Consideration to go back to three year time frame for P.O.S.T. certified individuals to find employment rather than the current one year with six month extension. This concept will be reviewed at the next meeting.

B. Accepting Electronic Payment for P.O.S.T. Exams

1. POST has several products and tests whereby many individuals request to pay by credit card. Currently P.O.S.T. only accepts certified checks. If this was initiated, there would be a 2.25% fee plus .75 cents on each transaction which would be a net reduction of P.O.S.T. funds. Based on last year’s data we would have lost \$3,500.00 of P.O.S.T. money. This is the worst case example considering that all payments were made by credit card. This would require a rule change.

11. ***In-Service Training Academy***

***Director Paul Schultz***

A. Update/Final Action

1. Sheriff Woodruff of Rio Blanco County suggested the development of an in-service academy which would be 40 hours in length, held at a location where room and board would be provided. Camp George West is an option where agencies could send their officers for one week of advance training in a jointly developed curriculum. This would be funded by P.O.S.T. and the contemporary topics provided could be very well received especially for rural officers. A minimum of four academies, one per quarter, would be appropriate.

***Motioned by Sheriff Taylor Seconded by Sergeant Edmonson  
Approved unanimously***

12. ***Crime Scene Investigation Training Class***

***Director Paul Schultz***

A. Five day in-service training class proposed which would satisfy many requests. It would also include the statutory requirement for DNA training.

***Motioned by Sheriff Taylor and seconded by Sergeant Dixon  
Unanimously approved***

*June 3, 2011*

13. ***P.O.S.T. Recruitment Update***

***Director Paul Schultz***

- A. Board Opening for County Sheriff's Position
  - 1. Still waiting for governor approval since May 13, 2010
- B. Board Openings for Local Government, Chief Position
- C. Board Member Re-Appointments
  - 1. Terms Ending June 2011

14. ***Public Comments P.O.S.T. Issues***

- A. Colorado Mounted Rangers presentation by Ronald Abrahamson
  - 1. Colorado Mounted Rangers are the oldest law enforcement and law enforcement supporters in the state of Colorado starting in 1861. Currently the organization operates as an auxiliary. The organization is comprised of 250 sworn rangers across the state. The Colorado Mounted Rangers work with various local sheriff offices and police departments providing search and rescue assistance. The rangers comprised of former law enforcement officers, firefighters, and trauma support nurses, are looking to be P.O.S.T. certified reserve officers.

Attorney General Suthers made the submission that the law presently reads that P.O.S.T. recognizes only those who are law enforcement entities and therefore a statutory change may need to be addressed. The practical solution is seeking out the auspices of a state agency.

15. ***2011 P.O.S.T. Board Meeting Schedule***

- A. *Thursday and Friday September 22 and 23, 2011 – Pueblo, Colorado*  
*Friday December 2, 2011 – Colorado Department of Law*

16. ***Executive Session***

- A. Potential investigative matter appropriate for an executive session  
***Motioned by Chief Coogan Seconded by Sergeant Dixon***  
***Approved unanimously***

**Next P.O.S.T. Board Meeting**  
**Hosted by the Pueblo County Sheriff's Office – Sheriff Kirk Taylor**

*June 3, 2011*

**Thursday September 22, 2011 – Work Session**  
**Friday September 23, 2011 – Board Meeting**

**S.M.E. Meetings - 8:00 a.m. – Board Meeting - 10:00 a.m.**

*June 3, 2011*